

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

KERMIT OVERHOLT,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CV-116
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This matter is before the court on the December 5, 2006 report and recommendation filed by Magistrate Judge C. Clifford Shirley, Jr. [doc. 20]. Magistrate Judge Shirley recommended that plaintiff's motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, [doc. 18] be granted. There have been no timely objections filed to this report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of this matter, the court is in agreement with the magistrate judge's conclusion. The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that plaintiff's "Motion for Attorney's Fees Pursuant to the Equal

Access to Justice Act 28 U.S.C. Subsection 2412" [doc. 18] is **GRANTED** in the amount of
Three Thousand Eight Hundred Twenty Dollars and Fifty Cents (\$3,820.50).

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge